

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Adam Lee Welch)	Civil Action No.: 8:13-cv-00201-JFA-JDA
)	
Petitioner,)	
)	
vs.)	
)	
Warden Sumter Lee Regional)	<u>REPORT AND RECOMMENDATION</u>
Detention Center and SC Attorney)	<u>OF MAGISTRATE JUDGE</u>
General,)	
)	
Respondents.)	

The Petitioner is proceeding in this action *pro se*. On March 27, 2013, Respondent SC Attorney General filed a motion to dismiss for failure to state a claim. [Doc. 37.] On March 27, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Petitioner was advised of the dismissal/summary judgment procedures and the possible consequences if he failed to respond adequately by April 15, 2013. [Doc. 39.] On April 1, 2013, Respondent Sumter Lee Regional Detention Center filed a motion to dismiss for failure to state a claim. [Doc. 42.] On April 1, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Petitioner was again advised of the dismissal/summary judgment procedures and the possible consequences if he failed to respond adequately by May 2, 2013. [Doc. 44.] Despite this explanation, the Petitioner elected not to respond to the motion.

As the Petitioner is proceeding *pro se*, the court filed a subsequent Order giving the Petitioner through May 28, 2013 to file responses to the two pending motions to dismiss. [Doc. 52.] The Petitioner was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. As of the date of this Report and Recommendation, the Petitioner has elected not to respond.

Based on the foregoing, it appears the Petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/ Jacquelyn D. Austin
United States Magistrate Judge

August 9, 2013
Greenville, South Carolina

The petitioner's attention is directed to the important notice on the next page.